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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,866	02/23/2004	Kang Soo Seo	1740-000084/US	7080
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RESTON, VA 20195				
EXAMINER				
DUNN, MISHAWN N				
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07/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/782,866

**Applicant(s)**

SEO ET AL.

**Examiner**

MISHAWN DUNN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date 6/08/6/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/16/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 7, and 13-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-7 define a data structure which does not impart functionality to a computer and is thus non-statutory.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 7, 13, 14, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US Pub. No. 2005/0019007) in view of Hirayama et al. (US Pat. No. 5,630,006) in further view of McMahon et al. (US Pub. No. 2004/0019396).

7. Consider claim 1. Kato et al. teaches a computer-readable medium having a data structure for managing playback control video data, comprising: a data area configured to store the video data; and a playlist including a playitem indicating a playing interval in a clip of the video data (paras. 0027, 0031, 00184; figs. 3, 9 and 15).

Kato et al. does not teach video data having multiple paths, a first navigation segment and a second navigation segment wherein the first navigation segment and the

second navigation segment launch different playlists respectively such that the first navigation segment and the second navigation segment represent different reproduction paths of a title of the video data.

However, Hirayama et al. teaches video data having multiple paths, a first navigation segment and a second navigation segment wherein the first navigation segment and the second navigation segment launch different playlists respectively such that the first navigation segment and the second navigation segment represent different reproduction paths of a title of the video data (col. 5, line 39 – col. 6, line 62; fig. 9A).

Neither Kato, nor Hirayama et al., teaches a navigation area configured to store a plurality of navigation segments including at least one navigation command for launching a playlist.

However, McMahon et al. teaches a navigation area configured to store a plurality of navigation segments including at least one navigation command for launching a playlist (para. 0045)

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include a navigation command for launching a playlist with a first navigation segment and a second navigation segment representing different reproduction paths of a title, in order to allow a view of multiple scenes of video data.

8. Consider claim 2. Hirayama et al. teaches the computer-readable medium of claim 1, wherein the first navigation segment and the second navigation segment

constitute a branch structure in the reproduction paths of the title (col. 5, line 39 – col. 6, line 62; figs. 3B and 4A-C).

9. Consider claim 3. Hirayama et al. teaches the computer-readable medium of claim 2, wherein a branch point of the branch structure is a boundary of playlists (col. 5, line 39 – col. 6, line 62; figs. 3B and 4A-C).

10. Consider claim 4. Kato et al. teaches the computer-readable medium of claim 1, wherein the first navigation segment and the second navigation segment constitute a multi-path structure in the reproduction paths of the title (col. 5, line 39 – col. 6, line 62; figs. 3B and 4A-C).

11. Consider claim 7. Kato et al. teaches the recording medium of claim 6, further comprising: a playlist area storing a playlist directory, the playlist directory storing the at least one playlist; a clip information file directory storing at least one clip information file; and a stream directory storing at least one clip file (paras. 0260, 0431; fig. 14).

12. Consider claim 13. Kato et al. teaches a method of recording a data structure for managing playback control of the recording medium, comprising: recording an information file on the recording medium, the information file including a plurality of navigation segments representing one or more reproduction paths of a title, each of the navigation segments including at least one navigation command, a number of the navigation segments each including a navigation command for launching a playlist, and one of the navigation segments being an entry navigation segment of the title (paras. 0027, 0031, 00184; figs. 1, 9 and 15).

13. Consider claim 17. Hirayama et al. teaches the method of claim 13, wherein the first navigation segment and the second navigation segment constitute a branch structure in the reproduction paths of the title (fig. 9A).

14. Consider claim 18. Hirayama et al. teaches the method of claim 13, wherein a branch point of the branch structure is a boundary of playlist (fig. 9A).

15. Consider claim 19. Hirayama et al. teaches the method of claim 13, wherein the first navigation segment and the second navigation segment constitute a multi-path structure in the reproduction paths of the title (fig. 9A).

16. Claims 14 and 20-22 are rejected using similar reasoning as the corresponding claims above.

17. Claims 15, 16, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US Pub. No. 2005/0019007) in view of Hirayama et al. (US Pat. No. 5,630,006) in further view of McMahon et al. (US Pub. No. 2004/0019396) in further view of Sasaki et al. (US Pub. No. 7,050,384).

18. Consider claim 15. Kato et al., Hirayama et al., and McMahon et al. teach all the claimed limitations as stated above, except a driver for driving an optical recording device to record data on the recording medium and a controller for controlling the driver to record an information file on the recording medium.

However, Sasaki discloses a driver for driving an optical recording device to record data on the recording medium and a controller for controlling the driver to record an information file on the recording medium (fig. 1).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to provide a driver for driving an optical recording device and a controller for controlling the driver, in order to record data on the recording medium.

19. Consider claim 23. Hirayama et al. teaches the method of claim 13, wherein the first navigation segment and the second navigation segment constitute a branch structure in the reproduction paths of the title (fig. 9A).
20. Consider claim 24. Hirayama et al. teaches the method of claim 13, wherein the first navigation segment and the second navigation segment constitute a multi-path structure in the reproduction paths of the title (fig. 9A).
21. Claims 16, 25, and 26 are rejected using similar reasoning as the corresponding claim above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
July 15, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621